

ROBERT WISNIEWSKI P.C.
ATTORNEYS-AT-LAW

225 BROADWAY, SUITE 1020 • NEW YORK, NY 10007
TEL: (212) 267-2101 • FAX: (212) 587-8115
W EBSITE: www.rwapc.com

March 29, 2019

Hon. Paul G. Gardephe
United States District Court
United States Courthouse
500 Pearl Street
New York, NY 10007
VIA ECF

Re: Wilson et. al. v. Pasquale DaMarino et. al.
SDNY Docket No.: 10-CV-2709(PGG)(RWL)

Dear Judge Gardephe,

I represent Plaintiffs in the above matter. For the reasons that follow, I write pursuant to Rule I(F) of Your Honor's Individual Practices to respectfully request an extension of time for the Parties to complete fact discovery. Mr. Frank and Mr. Farella, counsel for all non-defaulted defendants, kindly consent to this request, and there is no prejudice to any party. On January 7, 2019, Your Honor kindly granted the parties' joint motion for extension of discovery. That motion was necessitated by circumstances very different than the ones giving rise to the current request, and was the only such request.

Before I turn to the request, please accept this synopsized status report. The parties have exchanged written discovery and are in the process of working out their issues with respect to such discovery. Further, Plaintiffs have subpoenaed a number of third parties for the documents and information relating to the Mironova trial and Defendants Craig Perri and Kavita Jagnarine's litigation with their landlords and with Ms. Mironova. Plaintiffs believe that Mr. Perri may have taken positions which are at odds with the one he has asserted in the instant litigation. Hence, documents and information from those trials will be of extreme importance to the issues at bar. Finally, Plaintiffs believe that there is a need to consolidate this case with the case filed by the Jagnarine Defendants against Ms. Mironova inasmuch as the crux of that lawsuit is Defendant Craig Perri's relationship with the DaMarino restaurant. Plaintiffs intend to file a motion to consolidate next week.

In addition to the above unresolved issues, the instant request is for a number of

reasons specifically related to the undersigned. Over the past several months, I have been affected by circumstances outside of my control which have resulted in substantial hardship to my practice and the delay to a number of cases that my firm handles. My firm is very small and consists of me and three paralegals. My firm currently handles more than 80 cases. I will detail the circumstances that give rise to this request below, but wish to express that the accumulation of all that has occurred has resulted in a monumental delay and has severely disrupted my small practice.

In December and January, I had to assist in two separate criminal investigations, one in the Southern District of New York, and one in Washington D.C. This amounted to be an enormously time-consuming process, as I had to provide the prosecutors with requested documents and testify along with my clients. One investigation involved tax evasion issues, and the other appeared to concern a money laundering network that I stumbled upon during the discovery process in another case pending in federal court. I will be happy to provide additional information *in camera* if necessary.

Then, on Saturday, February 3, 2019, as a result of the extreme cold, a pipe burst in the ceiling of my office, entirely flooding it, waterlogging a majority of my files and equipment, and damaging my carpet, walls, and ceiling. The workmen who responded to the flood threw a lot of my files helter-skelter in an attempt to prevent water damage, and used files in boxes to create an obstacle so as to prevent water from flooding my entire office. Until February 8, 2019, when I regained access to my office and started the remediation process, my office was totally out of commission. The flood resulted in difficulty accessing my office and my files to work. Even after regaining access to my office and files, I have spent hours refiling all of my documents to ensure no documents were lost in the chaos. This has set me back tremendously.

Further, for approximately 10 days in mid-February, I had to travel to Warsaw to handle the estate of my recently deceased mother. I was unable to reschedule the estate proceedings, and was therefore unable to reschedule my trip. While in Warsaw, I had limited access to the internet. In my absence, my staff continued to work in New York, and I from Warsaw, but this arrangement was not enough to catch up to all the delay caused by the events of the preceding months.

Still further, in early March I was advised by the building management company that my landlord decided that, rather than proceed with renovations, it decided to demolish my office within the next few weeks so as to combine it with a next door office, which was also flooded, for a top to bottom refurbishment. This means, unfortunately, that I had to undertake the responsibility of researching and visiting prospective office spaces for a move.

I have been forced to seek extensions of time in a number of cases. As a result of all the events mentioned above, I am delayed substantially in many proceedings in numerous cases, and am in the process of getting back on my feet. I have requested extensions in various proceedings in a number of cases, from extensions of discovery periods to rescheduling depositions. Of course, altering deadlines in one case results in delays and conflicts in others, and so this entire process has been incredibly burdensome and difficult, and still continues.

In sum, because so many proceedings in numerous cases are arising in such a short time, I need more time in the instant matter as well so as to be able to fully respond to Defendants' discovery demands, obtain documents and information from third parties, and to hold depositions of Defendants. Not to mention producing Plaintiffs for depositions by Defendants.

For all these reasons, I respectfully request that the fact discovery deadline be pushed back from April 29, 2019 (the current deadline) to June 14, 2019.

Thank you for your attention to the foregoing.

Respectfully submitted,

/s/Robert Wisniewski
Robert Wisniewski

cc: (via ECF)

Keith Frank, Esq.
Counsel for the Jagnarine Defendants

Christopher Farella, Esq.
Counsel for Defendants Rossignuolo and Montesarchio